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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,580	12/08/2008	Nidham Ben Rached	NRT.0227US	8878

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TROP, PRUNER & HU, P.C.
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HOUSTON, TX 77057-2631

EXAMINER

BIBBEE, CHAYCE R

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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07/09/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/583,580	Applicant(s) BEN RACHED ET AL.	
	Examiner CHAYCE BIBBEE	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 17-34 have been considered but are moot in view of the new ground(s) of rejection.
2. Claims 17-34 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 17-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Pihl et al (pub # 20030040323).

Consider claims 17, 23, 29, and 32. Pihl et al teaches A method of determining a position of a mobile terminal, comprising:

while a first base station that communicates wirelessly according to a first protocol has a

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connection over a wireless link with the mobile terminal, the first base station sending a location request to the mobile terminal, wherein the location request corresponds to a request made by a remote client and the location request specifies that the position of the mobile terminal is to be based on measurements made with respect to information from a second base station that communicates wirelessly according to a second protocol different from the first protocol; **(See at least the abstract as well as paragraphs [0038]-[0040], where Pihl discloses an SMLC receiving a location request from an LCS client and then forwards the request to the target mobile station which then measures BCCH frequencies of the base stations identified by the SMLC, then if the measurements are not sufficient then the SMLC receives measurement info from another SLMC linked to other base stations).**

the first base station receiving from the mobile terminal the measurements made with respect to the information from the second base station; **(See at least paragraph [0038])** and

the first base station performing an action to cause processing of the received measurements to determine the position of the mobile terminal. **(See at least paragraph [0038])**

Consider claims 18, 24, 30, and 33. Pihl et al teaches all of the recited limitations of claims 17, 23, 29, and 32. Pihl further teaches performing the action comprises sending the received measurements to a position finding entity for processing the received

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measurements. **(See at least paragraph [0038] where Pihl discloses the measurements used for location calculation).**

Consider claims 19 and 26. Pihl et al teaches all of the recited limitations of claims 17 and 23. Pihl further teaches wherein the position finding entity is a first position finding entity associated with the first base station, the method further comprising:

the first position finding entity sending the received measurements to a second position finding entity for processing of the received measurements at the second position finding entity to determine the position of the mobile terminal, wherein the second position finding entity is associated with the second base station; **(See at least the abstract, paragraphs [0038]-[0040] where Pihl discloses an SMLC receiving a location request from an LCS client and then forwards the request to the target mobile station which then measures BCCH frequencies of the base stations identified by the SMLC, then if the measurements are not sufficient then the SMLC receives measurement info from another SLMC linked to other base stations).** and

the first position finding entity receiving location information relating to the determined position of the mobile terminal from the second position finding entity. **(See at least the abstract, paragraphs [0038]-[0040]).**

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Consider claims 20 and 27. Pihl et al teaches all of the recited limitations of claims 17 and 23 Pihl further teaches

the first base station receiving from the mobile terminal further measurements made with respect to information from the first base station and at least another base station that communicates wirelessly according to the first protocol; **(See at least the abstract, paragraphs [0038]-[0040] where Pihl discloses an SMLC receiving a location request from an LCS client and then forwards the request to the target mobile station which then measures BCCH frequencies of the base stations identified by the SMLC, then if the measurements are not sufficient then the SMLC receives measurement info from another SLMC linked to other base stations).**

the first position finding entity processing the further measurements to determine further location information relating to the position of the mobile terminal; **(See at least the abstract, paragraphs [0038]-[0040]).** and

the first position finding entity combining the further location information with the location information received from the second position finding entity to derive the position of the mobile terminal. **(See at least the abstract, paragraphs [0038]-[0040]).**

Consider claims 21 and 28. Pihl et al teaches all of the recited limitations of claims 17 and 23 Pihl further teaches wherein the position finding entity is associated with the first base station, the method further comprising:

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the first base station receiving from the mobile terminal further measurements based on information from the first base station and at least another base station that communicates wirelessly according to the first protocol; **(See at least the abstract, paragraphs [0038]-[0040] where Pihl discloses an SMLC receiving a location request from an LCS client and then forwards the request to the target mobile station which then measures BCCH frequencies of the base stations identified by the SMLC, then if the measurements are not sufficient then the SMLC receives measurement info from another SLMC linked to other base stations).** and

the first base station sending the further measurements to the position finding entity to cause the position finding entity to combine the further measurements with the measurements made with respect to the information from the second base station, to determine the position of the mobile terminal. **(See at least the abstract, paragraphs [0038]-[0040] where Pihl discloses an SMLC receiving a location request from an LCS client and then forwards the request to the target mobile station which then measures BCCH frequencies of the base stations identified by the SMLC, then if the measurements are not sufficient then the SMLC receives measurement info from another SLMC linked to other base stations).**

Consider claim 22. Pihl et al teaches all of the recited limitations of claim 17. Pihl further teaches wherein the first and second protocols are different generation wireless communication protocols. **(See at least paragraph [0040]).**

Consider claim 25. Pihl et al teaches all of the recited limitations of claim 23. Pihl further teaches further comprising the position finding entity. **(See at least paragraph [0038])**

Consider claims 31 and 34. Pihl et al teaches all of the recited limitations of claims 29 and 32. Pihl further teaches the mobile terminal sending further measurements, made with respect to information from the first base station and at least another base station that communicates wirelessly according to the first protocol, to the first base station to cause the further measurements to be combined with the measurements made with respect to the information from the second base station, for determining the position of the mobile terminal. **(See at least the abstract, paragraphs [0038]-[0040] where Pihl discloses an SMLC receiving a location request from an LCS client and then forwards the request to the target mobile station which then measures BCCH frequencies of the base stations identified by the SMLC, then if the measurements are not sufficient then the SMLC receives measurement info from another SLMC linked to other base stations).**

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAYCE BIBBEE whose telephone number is (571)270-7222. The examiner can normally be reached on Monday-Friday 7:30 a.m.-5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

CHAYCE BIBBEE
Examiner
Art Unit 2617